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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,375	08/20/2003	Keith Ballinger	13768.454	7425

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WORKMAN NYDEGGER/MICROSOFT
1000 EAGLE GATE TOWER
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SALT LAKE CITY, UT 84111

EXAMINER

BANKS, CORBANN

ART UNIT	PAPER NUMBER
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2132

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/645,375

Applicant(s)

BALLINGER ET AL.

Examiner

Corbann A. Banks

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4, 9, 12 - 13, 20, and 23 - 27 is/are allowed.
- 6) ☒ Claim(s) 1 - 3, 5 - 8, 10 - 11, 14 - 19, 21 - 22, and 28 - 31 is/are rejected.
- 7) ☒ Claim(s) 4, 9, 12 - 13, 20, and 23 - 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

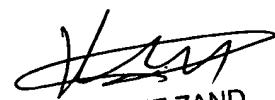
Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


KAMBIZ ZAND
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 20 August 2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 22 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Here, "an act of creating a signature or encryption function" is recited, but is not clearly described anywhere in the specification.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 19 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 19, "The method as recited in claim 17, further comprising ... before deserializing the message. " is recited, but no explicit mention of "serializing the message. " is mentioned in the independent claim 17 to begin with. This limitation in claim 19 creates a lack of antecedent basis. Claim 22 recites " ... creating a signature or encryption function based on the included one or more of a custom property, ... ". However, no explicit definition or explanation is provided for the

“one or more of a custom property” anywhere in the previous claims or specification.

This makes claim 22 indefinite and vague. The Examiner is only considering “...creating a signature or encryption function based on an encryption level in the created binary token” for the purposes of examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 5 – 8, 10, 14 – 15, 17, 19, 21 - 22, and 28 - 30 are rejected under 35 U.S.C. 102(e (1)) as being anticipated by Barrus et al. (USPGPub # 2003/0204721 A1).

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. Applicant should consider the entire prior art as applicable as to the limitations of the claims. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention; as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

As per claims 1, 14 - 15, 17, and 29 - 30: Barrus shows a method of receiving secure messages (see abstract, “A secure messaging system and method”) using custom security tokens, the method comprising: an act of encrypting a portion of a message using at least one of the one or more generated security tokens (see paragraph 0027); an act of inserting the at least one generated security token in an outbound token collection (see paragraph 0029); and an act of converting the token data for the

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outbound token collection using a private key that is accessible by the sending computer system and a receiving computer system (see paragraph 0022); an act of identifying one or more security tokens in a received message that has been encrypted (see Figure 2, element 250), and a value type corresponding with each identified security token (see paragraph 0021); an act of matching the identified corresponding value type to a stored value type for a stored security token that the receiving computer system can access (see paragraphs 0021 and 0029); an act of receiving data from the at least one identified security token into the stored value type that has been matched, wherein the raw data includes one or more of identification information, and a custom property (see paragraphs 0021, 0032, and 0033); and an act of decrypting an encrypted portion of the received message based at least in part on the raw data received from the at least one identified security token (see paragraph 0023).

As per claim 3: Barrus shows the additional limitation - further comprising an act of receiving a message from a sending computer system, the message including an encrypted portion and one or more security tokens (see paragraph 0012).

As per claim 5: Barrus shows the additional limitation - wherein the at least one identified security token is a binary security token (see paragraph 0021).

As per claims 6 and 21: Barrus shows the additional limitation - wherein the identified corresponding value type is a custom value type created by the sending computer system or the receiving computer system, and that the receiving and sending computer system can access (see paragraph 0029).

As per claim 7: Barrus shows the additional limitation - further comprising an act of updating one or more properties of the stored security token that is accessible by the receiving computer system with one or more of the identification information and the custom property (see paragraph 0029 and Figure 2, element 240).

As per claim 8: Barrus shows the additional limitation - further comprising an act of creating a security key when updating the one or more properties of the stored security token (see paragraph 0022).

As per claims 10 and 19: Barrus shows the additional limitation - wherein the private key is accessed from a key provider that both the sending and the receiving computer systems can access (see paragraphs 0022 and 0027; Examiner considers token as "key provider").

As per claim 22: Barrus shows the additional limitation - further comprising an act of creating a signature or encryption function (see paragraphs 0021 and 0022; Examiner considers the "creation of the encryption function based on the included encryption level in the created binary token" to be described here.) based on the included one or more of

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a custom property, a signature, and an encryption level in the created binary token (see paragraph 0022; Examiner considers the "encryption level" and the "created binary token" to be described here).

As per claim 28: Barrus shows the additional limitation - wherein the global unique identifier is inserted into a signature or encryption portion of the message (see paragraphs 0021 and 0029, and Figure 2, elements 240 and 250).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 16, 18, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrus et al. (USPGPub # 2003/0204721 A1) in view of Yasala et al. (USPGPub # 2003/0188156 A1).

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. Applicant should consider the entire prior art as applicable as to the limitations of the claims. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Here, the Barrus reference has disclosed all the limitations of the rejected claims as it has been applied to above. However, Barrus does not teach the use of including one or more digital signatures, the method further comprising an act of authenticating at least one of the one or more digital signatures.

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On the other hand, Yasala does teach the use of including one or more digital signatures, and a means of authenticating at least one of the one or more digital signatures (see paragraph 0021).

Hence, it would have been obvious to one of ordinary skill in the art to have included the methods and technology shown in Yasala, into the invention taught by Barrus above, in order to provide assurance that data downloaded (i.e. received) from the Internet comes from a reputable source (see paragraph 0021 of the reference).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barrus et al. (USPGPub # 2003/0204721 A1). It is well known in the art that "one or more security tokens are found in a security header portion of the message", as recited in the claim. One such example is XML web language. Hence, it would have been obvious to one of ordinary skill in the art to have included such a limitation.

Allowable Subject Matter

Claims 4, 9, 12 – 13, 20, and 23 – 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbann A. Banks whose telephone number is (571) 270-1021. The examiner can normally be reached on Monday – Thursday from 8:30 am to 5pm. The examiner can also be reached on alternate Fridays during the same hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron, can be reached on Monday – Friday, from 8:00 am to 4pm.


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His telephone number is (571) 272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

C.B.

Corbann Banks


KAMBIZ ZAND
PRIMARY EXAMINER

December 08, 2006